



Mr. Brian Quirke,  
Climate Resource and Research Programme,  
Environmental Protection Agency,  
PO Box 3000,  
Johnstown Castle Estate,  
County Wexford.

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### **Re: Proposed Revised National Hazardous Waste Management Plan**

Dear Brian,

The Irish Waste Management Association (IWMA) welcomes the opportunity to participate in consultation on the proposed revised National Hazardous Waste Management Plan (NHWMP). The IWMA is the voice of the private waste management industry in Ireland. IWMA members are active in every county in Ireland and contribute to the management of waste at each level of the waste hierarchy. Our membership includes small, medium and large companies, with some operating internationally, managing both hazardous and non-hazardous wastes.

While individual members may make their own submissions in relation to the proposed revised NHWMP, this document seeks to represent the combined and agreed views of all of our members that are active in this market sector.

The IWMA is of the view that the draft plan is a sensible and obvious next step in terms of the future developments of this market. The 2012 Government Policy position on hazardous waste as outlined in the Preface (iv) is fully supported by our members. We are of the view that clear, well defined policy objectives will support sound economic developments that can be implemented by our members.

In terms of ensuring focus on the most problematic areas it may be worth specifically referring to waste oil and, fuel laundering wastes in the Executive Summary (v) as these would appear to be the least “managed” wastes and currently appear to pose the largest risks to our environment by virtue of the lack of control / enforcement that exists in these areas. It may also be meritorious, in this section, to refer to the generally high standards that are maintained in this sector in Ireland and that the unreported or difficult to manage elements of the market are relatively small. If other EU statistics are available some comparison should be made. The summary should also refer to the fact that over the last few years the treatment of hazardous waste in Ireland has moved from disposal based, to a much higher percentage of recovery with particular emphasis on energy recovery and solvent recycling.

The summary outlines a number of recommendations that are being proffered and while we support all of these we would include some additional supporting narrative:

**Collection** – The risk of pollution / spillage occurring at the point of collection is significant. On this basis we must ensure that ‘standards’ are being maintained for even small quantities of hazardous materials that may be collected via these expanded initiatives. This must be highlighted in this section.

**Self-sufficiency** – while it is in all parties interests, it is worth noting that self-sufficiency must be achieved only in an economically sustainable situation into the future. The plan may also possibly refer in this section, to the newly development options being delivered via cement kilns in Ireland for solvents and the expanded range of material that may be included under current licences issued by the agency but has yet to be constructed / implemented.

**North South Cooperation** – this should include some comment that it is provided that the same standards are being applied both jurisdictions.

**Guidance and Awareness** – It is obvious that a greater input in the area of education and dissemination of information will yield better prevention and this should be a key driver to the market.

**Implementation** – It would be useful to be able to quote other economic indicators in terms of our overall production levels of hazardous waste for comparison purposes eg. Hazardous Waste Production V GDP of the sectors involved.

**1 Introduction** – This element of the document may require some review as broad-based terms such as; ‘can seek’, ‘encourage’, ‘generally’ are used instead of more specific terminology. For industry to significantly invest in a market they must believe that there is strong governmental support for it. This is not obvious in the existing language.

The document goes on to consider progress to date in terms of the last plan and 2011 data. With the advent of the NTFSO, we would expect that more current data is available on arising’s which may modify the view, additionally the current market factors should be considered i.e. Irish cement kilns accepting material and current waste licences that are in place.

**2 Hazardous Waste Legislation** – While the IWMA has no specific comment in this sphere it would welcome the simplification of legislation as a target of the new plan and greater imposition of enforcement on non-compliant entities who continue to operate outside of licensing. E.g. the illegal burning of waste oil in boilers, and criminal fuel laundering.

The simplification of the consignment note system has been a welcome development, but further developments could be implemented to stream line the system further. This is particularly pertinent as a cost factor for small hazardous waste arisings.

**3.1 Managed (reported) hazardous waste** – the availability of ‘real time’ data would be beneficial rather than depending on data from 2011 which is 2 years old. While this is undoubtedly a challenge even the availability of key numbers or indices would be beneficial for planning purposes.

It would also be helpful if the annual statistics highlighted the actual end uses for the material as the trend has been away from disposal to use as support fuels in various facilities. The current system of reporting simple D / R codes (e.g. Table 13) does not adequately reflect this fundamental change which is to be welcomed as a development.

**Enforcement (3.7.1)** – It is suspected that there is still a significant amount of waste oil being blended illegally for use in boilers. As part of the new plan, the agency should carry out a full risk assessment of this illegal activity to identify the extent and level of risk posed by it and if deemed necessary more enforcement applied to stopping the activity.

The illegal laundering of diesel fuel certainly poses a real threat to the local environment that requires more action. However it may be more beneficial to carry out more checks on vehicles using the laundered material then trying to catch the criminals in the act. This is a matter for discussion with other parties i.e. Garda and Revenue, but but does require attention under the plan.

In terms of ELV's it is our industries view that this area has seen a very serious lack of enforcement and a number of our members have ceased activity in the sector due to the preponderance of illegal operators continuing to operate and being able to undercut compliant players. This needs immediate attention.

**4 Prevention of Hazardous Waste** – The application of more resources in this sphere should help producers clearly identify costs and develop methodologies to reduce waste arisings. The IWMA is highly supportive of initiatives in this area. This area must be a priority for the next 6 year period and industry should be encouraged to adopt beneficial changes in this area. The work to date by the NWPP has seen positive results but greater effort should be applied to make this a standard part of on-going process development. Education and dissemination of case histories will assist.

**5 Unreported Hazardous Waste** – The Association sees this as an area that requires further effort and key to improving this sector would be focused enforcement on the relevant entities.

The document outlines that the commercial cost of dealing with this area is prohibitive, but it is obvious that it is necessary to bring the correct standards to bear to ensure compliance, this has a significant cost. A suggestion would be to engage a specific team of stakeholders' representatives to meet and develop a workable solution for the area, this would include guidance notes and ensuring that the 'lower-cost' solution did adhere to the necessary standards to protect the environment in line with the risk posed. This group would include representatives from the hazardous waste industry, the EPA, local authorities, representatives from SME's and possibly some consumer groups. The expanded use of Civic Amenity sites may have merit but should form part of the remit for discussion by this new working group.

The use of PRI's in certain areas has some merit but we would suspicious that it is just another area to collect more funding from consumers without yielding any significant benefit and end up being a stealth tax. In reality the consumer ends up paying for these solutions with significant funds absorbed by entities in the chain.

**5.2.1.1 Garages and other vehicle service and dismantling locations** – As outlined earlier this area requires a significant element of enforcement and this should be highlighted in this new plan. Because of the size and wide geographical spread of these operations, the local authorities will need to be properly trained and incentivised to fulfil an inspection role with the agency utilised to enforce the proper sanction if on-going non-compliance is detected.

**5.2.1.2 Farms** – The association would welcome the publishing of the results of this trial to assist in developing an on-going solution for the problem. However, we would highlight that as pesticides (some of which will be old banned products) will be an element of this stream, their

proper transfer to permitted collectors will be critical. The concept of carrying out this operation on un-paved / gravelled grounds at uncontrolled facilities is a real potential issue for spillage, clean-up and insurance underwriters.

**5.2.1.5 – Industrial Estates and Commercial Clusters** – Simplification of the consignment note system will assist in this sphere as will the engagement with the management / service companies that manage a number of these estates. This may form part of the remit covered by the team dealing with this whole sector outlined above.

**5.2.2 Civic Amenity Sites** – The development of guidance notes to provide a consistency of service provision over all CA sites would be welcomed. Our industry sector would be keen to engage with the necessary bodies to develop these standards.

Targeted seasonal / themed campaigns are useful to remind the public and small producers of their legal requirements in terms of hazardous materials and industry will support these initiatives.

As the government is reviewing a wide range of PRI options at this time we would consider that it is best to deal with their potential imposition under this review rather than specifically under the NHWMP.

**6 Treatment of Hazardous Waste** – The IWMA represents a range of companies which are engaged in treatment within Ireland, treatment abroad and or export only, thus reaching consensus in this area is difficult. We would refer to each members individual submissions for comment in this area.

**6.1.1 Hazardous Waste Projections** – Since ISUS projections to date have been unreliable we would feel that the ones presented here to 2030 are even more unreliable. A better bench mark is possible through discussion with the current largest producers and the industry that services the sector.

**6.2 Self-sufficiency versus export of hazardous waste** - The EU market has to date had no difficulty servicing the needs of Irish hazardous waste producers, currently the association members do not have an indication that this available capacity will change in the foreseeable future. However it would be prudent that the new plan seeks to engage with the industry players on an on-going basis to understand how this capacity is impacted and what might happen in the future.

**6.4 Management of solvents and other wastes currently exported for thermal treatment** – It is erroneous to simply conclude that solvent recycling (R2) competes directly against its use as a fuel (R1) – Where high value solvents are involved e.g. Tetrahydrofuran it is nearly always more beneficial to submit the material to R2 processing due to the inherent value of the material then its use as a fuel. Only when mixtures are complex and not easily separated, only then does R1 use become a competing option, or when there is no downstream use for the recovered material due to its low quality or contaminants.

**6.5 Landfill of Hazardous Waste** – It is naive to consider that the cost for handling asbestos waste in an Irish landfill will differ significantly from export for landfill abroad. The unit cost for the Irish facility will be higher due to the volume available for landfill and as a D code it will be obvious that any operator would seek to maximise the financial return as export would be prohibited.

While the association welcomes self-sufficiency we will only do so at a competitive cost. Irish waste producers should have alternatives at competitive rates within the principles of BAT.

In order to facilitate the development of new facilities the EPA should consult with the stakeholders in the development of a Waste Acceptance Criteria (WAC) for such a facility. This would remove considerable uncertainty from a promoter's point of view as to the criteria that would be required in obtaining a licence for such a facility

**8 – Implementation** – following the sequence of numbering used in the Proposed Plan. The association would specifically comment.

Prevention – include a new point to engage with Gardai and Revenue to seek to reduce the market for illegally laundered diesel, in an effort to reduce the amount of hazardous residues that arise from this illegal activity.

9. The development of this 'national' network should be carried out in discussion with industry players in terms of standards and methodologies. This would yield a national standard that can be also followed by industry.

10. This point should clearly state that enforcement will be increased with particular emphasis on waste oil management, de-pollution of ELV's and illegal diesel laundering. The current level of enforcement is wholly unsatisfactory.

12. Include publication of the pilot results.

13. This point should also include for formal engagement with industry stakeholders especially as they seek to make licence application.

14. Further simplification of the internal Consignment Note system would be beneficial and a defined target. Additionally amalgamation of regulations may make some of the system easier to operate.

17. North – South initiatives are sensible, provided that equal standards are adhered to (at both licensing and enforcement) in each jurisdiction.

20 . The code of practice should also be agreed with industry stakeholders in advance.

Under Table 28, one of the points outlined as a target is to 'reduce export of hazardous waste', in our view while this may be a beneficial outcome of all of the other factors working is not a useful target item as it may be our primary solution into the future for difficult wastes. On this basis we would seek to remove or modify this specific target.

We would suggest that specific targets are set for increasing the volumes of waste oils and small arisings of hazardous wastes that are collected.

The IWMA would welcome further discussion with the agency in terms of this proposed plan and we can be contacted at any time should you wish to clarify any of the matters outlined in our submission.

I hope that our submission is helpful and we look forward to further engagement during the preparation of the Plan.

Yours Sincerely,



**Conor Walsh**

IWMA Secretary  
7 Dundrum Business Park,  
Windy Arbour  
Dublin 14

Email. [cwalsh@slrconsulting.com](mailto:cwalsh@slrconsulting.com)

Tel. 01-2964667

Mob. 086-8337573